

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

<b>LESTER BYRD,</b>	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. <b>00-705-MJR</b>
	)	
<b>STATE of ILLINOIS DEPARTMENT</b>	)	<b>CJRA: B</b>
<b>of PUBLIC HEALTH, and</b>	)	
<b>ERIK WHITAKER,<sup>1</sup></b>	)	Trial Date: <b>October 23, 2006</b>
	)	
Defendants.	)	

**ORDER**

**PROUD, Magistrate Judge:**

Before the Court is Plaintiff's Motion for Limited Discovery. (**Doc. 177**). Defendants have filed a response. (**Doc. 178**).

After remand by the Seventh Circuit, this case has been set for a new trial on October 23, 2006. **See, Docs. 174 and 176.** Plaintiff now moves for leave to conduct limited discovery related to updating plaintiff's personnel information, such as "information regarding his performance evaluations, discipline, wages, and benefits for the last three years."

Defendant has no objection to that type of discovery, but does object to the disclosure of expert witnesses. Neither party used an expert witness at the first trial. The Court agrees that it would be inappropriate to disclose new expert witnesses at this stage of the proceedings.

Defendant asks the Court to permit the filing of dispositive motions. Defendant has not previously filed a dispositive motion in this case. It is unlikely that the limited discovery

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<sup>1</sup>Erik Whitaker is the successor in office to John R. Lumpkin, and is therefore substituted as defendant herein, pursuant to Fed.R.Civ.P. 25(d).

contemplated by this order would give rise to grounds for a dispositive Motion. However, if defendant determines that it has grounds for a dispositive motion, it should move for leave to file.

Upon good cause shown, Plaintiff's Motion for Limited Discovery (**Doc. 177**) is **GRANTED in PART as follows:**

The parties are granted leave to engage in discovery limited information regarding plaintiff's performance evaluations, discipline, wages, and benefits since the first trial. The parties shall not disclose expert witnesses. All discovery shall be completed by **August 23, 2006.**

A Final Pretrial Conference is set before District Judge Michael J. Reagan in accordance with **Local Rule 16.2(d)** on **October 6, 2006, at 10:00 a.m.** The conference shall take place via telephone.

The case is set for a jury trial on **October 23, 2006, at 9:00 a.m..**

**IT IS SO ORDERED.**

**Dated: March 20, 2006.**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U.S. MAGISTRATE JUDGE**